

calcium carbonate” has “random shapes.”

On the other hand, particulate, spindle-shaped calcium carbonate is known only as a “synthetic” calcium carbonate produced by chemical precipitation, as taught by Tanabe et al at column 1, lines 41-51.

In rejecting claims 1 and 3-9 over Tanabe et al in view of Nakajima et al, the Examiner notes that Tanabe et al disclose “precipitated calcium carbonate particles, which are spindle-shaped,” quoting from the bottom of page 2 of the office action. However, the Examiner also correctly notes that “Tanabe does not mention the BET surface area or the pore volume of the particles,” quoting from the middle of page 3 of the office action. Accordingly, the Examiner relies upon Nakajima et al for their teaching at column 2, lines 26-33, of “specific pore surface area” and pore volume of a “porous calcium carbonate particles.”

As noted by the Examiner, Nakajima et al disclose a process for imparting porosity to particulate calcium carbonate. However, the process of Nakajima et al is limited to use, as a starting material, of particulate “heavy calcium carbonate” which, as noted above, has only random irregular shapes. See, for example, column 2, lines 7 and 37-44 of Nakajima et al. Nowhere do Nakajima et al suggest that their porosity imparting process might be applied to any synthetic, precipitated calcium carbonate, e.g., spindle-shaped.

In the last paragraph at page 3 of the office action the Examiner cites the porosity and surface area values taught by Nakajima et al at column 2, lines 26-32, and the shapes taught by Nakajima at column 1, lines 26-35. However, the former teaching describes the porosity, etc. imparted to heavy calcium carbonate by Nakajima et al, whereas the latter teaching has reference only to the synthetic precipitated calcium carbonate, which is prior art to Nakajima et al.

Accordingly, it is respectfully submitted that the Examiner errs in applying the teaching at column 2, lines 26-33 of Nakajima et al of “a method for producing such porous calcium carbonate particles [from heavy calcium carbonate]” to the “synthetic” calcium carbonate produced by chemical precipitation, as taught by Tanabe et al, or to the synthetic, precipitated calcium carbonate of the prior art described at column 1, lines 26-40, by Nakajima et al.

In conclusion, it is respectfully requested that the Examiner reconsider and withdraw the rejection of record.

Respectfully submitted,
Bacon & Thomas, PLLC

/George A. Loud/

George A. Loud
Reg./ No. 25, 814

January 19, 2011

Bacon & Thomas, PLLC
625 Slaters Lane
Alexandria, VA 22314

Telephone: 703 683-0500

